ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services	)	CC Docket No. 94-115
	)	
Amendment of Part 22 of the Commission's Rules to Delete Section 22.119 and Permit the Concurrent Use of Transmitters in Common Carrier and Non-Common Carrier Service	)	CC Docket No. 94-46 RM 8367
	)	
Amendment of Part 22 of the Commission's Rules Pertaining to Power Limits for Paging Stations Operating in the 931 MHz Band in the Public Land Mobile Service	)	CC Docket No. 93-116

JOINT COMMENTS OF AIRTOUCH PAGING AND ARCH COMMUNICATIONS GROUP ON THE PETITIONS FOR RECONSIDERATION

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SUMMARY

AirTouch Paging and Arch Communications Group are commenting on the various petitions for reconsideration and/or clarification of the Part 22 Rewrite Order.

AirTouch Paging and Arch support the requests for the following changes in the new rules: (a) Public Mobile Service licensees should be able to share transmitters; (b) the requirement that licensees initiate service to the public prior to the expiration date of the authorization for the first transmitter of a wide-area system should be relaxed; (c) the moratorium on reapplying for expired channels should be modified; (d) the pre-existing 931 MHz licensing rules should be applied, to all previously filed applications; (e) the definition of a "new station" application should be conformed to prior case precedent rather than using the 2 kilometer standard; (f) the additional channel policies should be liberalized; and (g) pro forma ownership change filing procedures, affiliate list requirements and microfiche requirements should be relaxed.

AirTouch Paging and Arch do not support returning from the shortened 30-day mutually exclusive application period to the prior 60-day window. AirTouch Paging and Arch also prefer the first-come, first-served approach for resolving conflicting modification application proposals, rather than the comparative hearings advocated by some carriers.

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To: The Commission

JOINT COMMENTS OF AIRTOUCH PAGING AND ARCH COMMUNICATIONS GROUP ON THE PETITIONS FOR RECONSIDERATION

AirTouch Paging and Arch Communications Group ("Arch") hereby comment on the various petitions for reconsideration and/or clarification filed on or about December 19, 1994 in response to the Report and Order in the above-captioned proceeding.[1/] The following is respectfully shown:

1/ CC Docket No. 92-115, released September 9, 1994 ("Part 22 Rewrite Order").

I. Preliminary Statement

1. AirTouch Paging and Arch (collectively, "Joint Commenters") each are publicly-traded paging companies with extensive Public Mobile Service facilities throughout the United States. Both companies have actively participated in all the docketed proceedings involving amendment and revision of Part 22 of the Commission's Rules which were combined for consideration in the Part 22 Rewrite Order.[2/] Based upon the scope of their current operations, and the history of their participation in the subject proceedings, the Joint Commenters have a substantial basis for informed comment in response to the various petitions for reconsideration that have been filed.

2. The Joint Commenters commend the Commission for having taken many important and well-considered steps to streamline Public Mobile Service licensing procedures and to eliminate unnecessary filing requirements. Although a considerable number of petitions for reconsideration have

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2/ Arch and Pactel Paging (AirTouch Paging's predecessor in interest) were leading participants in the consortium of Bryan Cave radio common carrier clients which filed extensive comments in the Part 22 Rewrite proceeding. Those comments were cited throughout the Part 22 Rewrite Order (all references in the Order to "Joint Commenters" are to the group in which Arch and AirTouch Paging participated). See, e.g., Part 22 Rewrite Order, Appendix A, passim.

been filed[3/], analysis reveals that the number of substantive issues that has been raised is relatively small given the scope of the rule changes that were adopted. In several regards, Airtouch Paging and Arch agree that further refinements of the Commission's Rules are in order to fully achieve the objectives the Commission is seeking. However, Joint Commenters are confident that, with a few adjustments, the Commission can end up with a set of licensing rules that will serve the industry well for an indefinite period of time.

[3/] Joint Commenter's research revealed 37 petitions for clarification, reconsideration, or partial reconsideration of the Report and Order were filed. See Petitions filed by Airtouch Communications ("Airtouch"), Alpha Express Inc. ("Alpha"), Ameritech Mobile Service ("Ameritech"), Bell Atlantic ("Bell Atlantic"), BellSouth Corporation ("BellSouth"), C-Two-Plus Technology, CellTek Corporation, Cellular Communications of Puerto Rico, Cellular Paging Systems Inc., Celpage Inc. ("Celpage"), Dial Page Inc. ("Dial"), Ericsson Corp., GTE ("GTE"), InterDigital Communication Corporation, M.C. Stephan, Massachusetts-Connecticut Mobile Telephone Co. ("Mass-Conn"), McCaw Corporation ("McCaw"), MetroCall ("MetroCall"), Mobilemedia Communications ("Mobilemedia"), Mobile & Personal Communications ("Mobile"), MTC Corp., Nokia Mobile Phones Inc., Pac-West Corp. ("Pac-West"), Page America Group ("Page America"), Paging Network (PageNet"), Paging Partners, Palouse Paging & Sawtooth Paging ("Palouse & Sawtooth"), PCS Development Corp. ("PCSD"), Personal Communications Industry Association ("PCIA"), Pronet, Inc. ("Pronet"), Sound & Cell ("S&C"), Source One Wireless Inc. ("Source One"), Southwestern Bell ("Southwestern"), Sussex Cellular Corp. ("Sussex"), Triad Cellular Corp., Western Wireless Corp., and Zachary Len Gibson

II. Licensees Should Be Allowed to Share Transmitters

3. The Part 22 Rewrite Order contains an extensive and accurate discussion of the benefits of allowing carriers to utilize multiple frequency transmitters.[4/] Additionally, the Commission correctly decided to eliminate old Section 22.119 of the rules which prohibited the sharing of transmitters between services.[5/] Those enlightened rulings were followed, however, by a Commission determination that it is not in the public interest to allow two different licensees to share the same transmitter.[6/] Airtouch Paging and Arch strongly agree with those who object to any prohibition on the sharing of transmitters between carriers.

4. A substantial percentage of the parties seeking reconsideration have challenged the Commission's determination that the shared use of the same transmitter by two different licensees raises questions regarding licensee control and service quality.[7/] Indeed, several carriers considered this issue to be so important that they devoted

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4/ Part 22 Rewrite Order at ¶s 42-44

5/ Id. at ¶s 64-70.

6/ Id. at ¶ 71.

7/ See, e.g., Petitions of Ameritech, Section VIII; BellSouth, Section II; CelPage, Section XII; Mass-Conn, Section VIII; McCaw, Section III-D; MetroCall, Section V; and PCIA, Section III.

their **entire** comments to challenging this proposed Commission restriction.[8/]

5. The Commission should be swayed to eliminate the restriction on multiple licensee transmitter sharing based upon the breadth of industry opposition on this point. Notably, the carriers seeking to retain the right to share the use of the transmitters include some of the most prominent operators in the country. These are not carriers who would support rules that would result in a relinquishment of control over their systems or a deterioration of service to their subscribers. Consequently, the Commission should conclude that its concern over the public interest benefits of allowing two different licensees to share the same transmitter are not supported by the record of the proceeding.

6. AirTouch Paging and Arch also are concerned that the restriction on multiple licensee sharing of transmitters is inconsistent with today's commercial realities in the paging business. Often, wide-area paging services can only be provided through cooperative arrangements with other carriers who operate on common frequencies in adjoining territories. There is, however, a natural desire for both parties to such cooperative arrangements to jointly license facilities so that they have

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8/ **See, e.g.,** Petitions of Dial Page, Inc., PacWest/Page Prompt and PCS Development Corp.

a license stake in the cooperative system. A restriction on the sharing of transmitters between licensees inhibits these useful commercial arrangements.

III. The "Service to the Public" Requirement Should be Modified

7. The Part 22 Rewrite Order adopts new Section 22.142 governing construction requirements.[9/] The rule section provides, in part, that "stations must begin providing service to subscribers no later than the date of required commencement of service specified on the authorization". The phrase "service to subscribers" is defined to include service to "at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier".[10/] A half dozen petitioners have asked the Commission to reconsider this rule.[11/] AirTouch Paging and Arch agree with those who believe the service to subscribers requirement will prove to be unworkable as applied to wide-area systems on a common frequency.

8. The new restrictive rule fails to adequately consider the many steps involved in rolling out a wide-area paging service offering on a new channel. The paging

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9/ Part 22 Rewrite Order, ¶s 29-33.

10/ FCC Rules, Section 22.99.

11/ See Petitions of Ameritech, Section VII; Mass-Conn, Section VI; McCaw, Section II-C; Page America, Section A; PageNet, Section IV; PCIA, Section V.

business is highly competitive. A carrier can ill afford to offer service on a new frequency unless and until a sufficient number of sites have been placed in service to make the system competitive with other service offerings. Once an adequate system is in place, a carrier will need to deliver new inventories of pagers on the new channels to distributors, produce promotional materials, and roll out the new service. The combination of FCC licensing periods, equipment delivery schedules and marketing timetables will result in numerous situations in which the rollout of a new system cannot be accomplished within one year of the licensing of the first transmitter on a wide-area system. Consequently, the Commission is likely to be faced with numerous requests for extensions of the construction deadline if the construction rule is retained in its current form.

9. Again, the opponents of the "service to subscribers" requirement include some of the most successful carriers in the country.[12/] These are companies which have built their businesses by providing competitive service, not by "warehousing" frequencies. Given the composition of the objectors, the Commission should be convinced that there are indeed problems with the construction requirement as presently defined.

12/ See note 11, supra.

10. AirTouch Paging and Arch support the PCIA proposal that the Commission return to a definition of construction that does not require service to subscribers.[13] Rather, a licensee should be deemed to have met the requirement if it has constructed facilities that are interconnected to the public switched telephone network and, thus, available for service to the public.

IV. The Moratorium on Reapplying for Channels Should Be Modified

11. New Section 22.121(d) of the rules places a one-year moratorium on the filing of applications by the same applicant for the same frequency within the same geographic area of an expired authorization. Several petitioners have asked the Commission to reconsider this rule.[14]

12. AirTouch Paging and Arch agree that a change is required to conform the new rule to the text of the Part 22 Rewrite Order. As has been correctly pointed out by Mass-Conn,[15] the text of the Part 22 Rewrite Order states that the moratorium would not apply to situations where the licensee voluntarily submits an authorization for

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[13] PCIA comments, Section V.

[14] See, e.g., petitions of Ameritech, Section VI; Mass-Conn, Section V; and, PCIA, Section IV.

[15] Mass-Conn Petition, p. 9.

cancellation.[16] However, the text of the rule itself provides that the moratorium applies "if an authorization is voluntarily cancelled or automatically terminated" (emphasis added). Presumably, the failure to change the rule as indicated in the text was an oversight, and it should be corrected.

13. Joint Commenters submit, however, that the moratorium on reapplying for frequencies should be revised even further. AirTouch Paging and Arch are very concerned that any moratorium on the refiling of applications in the same general area of prior filings will engender litigation while failing to accomplish the objectives the Commission is seeking to achieve. A major objective of the Part 22 Rewrite proceeding was to eliminate unnecessary paperwork. This laudable goal is not achieved by a rule that requires licensees to submit for cancellation authorizations that would terminate automatically under the rules if no action is taken. Yet, the draconian effect of the prohibition on refilings would indeed cause carriers to inundate the Commission with cancellation requests that were, otherwise, unnecessary.

14. AirTouch Paging and Arch also share PCIA's concern that the prohibition on refilings will serve as traps for the unwary[17] and serve to foster litigation.

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[16] Part 22 Rewrite Order at A-11.

[17] PCIA Comments at p. 11.

Joint Commenters can envision extended disputes on whether the expiration of a single transmitter site in the midst of a wide-area system filing creates a general prohibition on refilings in the general area on that frequency.

15. AirTouch Paging and Arch also agree with PageNet that the moratorium does not make sense when applied to existing licensees with an established record of public service.[18/] The dynamic nature of wide-area systems being operated by substantial carriers is such that exceptions to the moratorium requirement should properly apply.

V. The 931 MHz Licensing Rules Must Be Revisited

16. No aspect of the Part 22 Rewrite Order generated more controversy than the new rules proposed for the licensing of 931 MHz paging facilities.[19/] Two aspects of the Commission's new rules were items of particular concern: (1) the retroactive application of the new processing rules to long-pending applications[20/]; and, (2)

18/ See PageNet Comments, Section VII-B.

19/ See, e.g., Petitions of Alpha Express, Section B; Ameritech Mobile, Section 1; BellSouth, Section V; CelPage, Section IV; Mass-Conn, Section I; MetroCall, Section III; PageNet, Section II; Paging Partners, paras. 17-19; Palouse & Sawtooth, Section II; PCIA, Section II; ProNet, Section II, Source One, p. 3; and, Sussex Cellular, Section II.

20/ Affected applicants were particularly concerned regarding the proposal to rescind grants of applications that are still in contest through reconsideration requests.

defining any application for a site more than two kilometers (1.2 miles) from an existing site as a proposal for a "new" station.

A. The Retroactivity Issue

17. Neither AirTouch Paging nor Arch are tied up in the mutually exclusive application packages that will be most directly affected by the retroactive application of the new 931 MHz application processing rules. Both are sympathetic, nonetheless, to the position of those who complain that it is fundamentally unfair to change the processing rules dramatically in mid-stream. Situations in which new processing rules are applied to long-pending applications should be limited to unique situations where exceptional changes in circumstances justify the retroactive application of rule changes. The Joint Commenters do not believe that the circumstances surrounding 931 MHz licensing are sufficiently compelling to justify retroactive rule changes.[21/]

18. AirTouch Paging and Arch also are concerned that the Commission has modified the 931 MHz processing

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21/ The principal complication in resolving mutually exclusive application packages is determining what frequencies are available for assignment. There is some conflict in the case precedents as to whether expired frequencies can be assigned to applications filed before the channel was recaptured. Rather than throwing out all of the applications and starting over, the Commission should simply determine that all available frequencies, regardless of when recaptured, will be included in a lottery of mutually exclusive applicants.

rules more dramatically than was necessary or appropriate under the circumstances. To be sure, there are major metropolitan areas where the scarcity of 931 MHz channels has led to processing log jams. This does not change the fact, however, that the 931 MHz procedures have served the industry well and have permitted carriers to garner common frequency locations throughout broad geographic regions.[22/] Also, the ability of the Commission to avoid mutually exclusive ("mx") application situations by reserving to itself the right to make final frequency selections has reduced litigation. The total abandonment of these policies in favor of licensee-selected frequencies is unwarranted.

19. The petitions provide good cause for the Commission to rethink its 931 MHz licensing policies. The continued use of the old processing rules wherever possible would be appropriate. The Commission should only require carriers to specify particular frequencies when the agency determines that the number of frequencies available to assign to a 931 MHz processing group of applications is insufficient to permit all applications to be granted. This approach will enable the Commission to establish a transition to new processing rules where needed, while maintaining older rules whenever possible. Considering the

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22/ The ability of the Commission to make final frequency selections in the 931 MHz band has reduced instances in which the expansion of a wide-area system is blocked by a competitor.

foregoing, Joint Commenters recommend that the prior 931 MHz processing rules be used for all applications tendered to the Commission prior to January 1, 1995 (the effective date of the Part 22 Rewrite Order).

B. The Definition of "New" Stations

20. AirTouch Paging and Arch also agree with the many petitioners[23] who contend that the Commission's definition of applications for "new" stations is overly broad. The auction authority embodied in the Omnibus Budget Reconciliation Act of 1994 makes it clear that auction authority only applies to new station proposals and not to modifications of existing stations.[24] The Commission has undermined this well considered statutory demarcation by defining "new" so broadly as to effectively subject existing 931 MHz licenses to auctions by competitors in numerous circumstances.

21. The rules now consider any proposal for a site removed by two kilometers (1.2 miles) from the existing location as seeking a new station.[25] The Commission has reasoned that the two kilometer standard provides licensees

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[23] See, e.g., Petitions of Ameritech, Section II; CelPage, Section IV; Mass-Conn, Section II; MetroCall, Section IV; Paging Partners, paras. 19-20; ProNet, Section IV; and, Source One, paras. 14-15.

[24] See discussion at Second Report and Order (PP Docket No. 93-253), 9 FCC Rcd 2348, 2355 (1994).

[25] See new Section 22.541(c)2.

with adequate leeway to relocate stations without being subjected to competing bidders. This is not true, however. The location of suitable antenna sites has become increasingly difficult over time. The proliferation of wireless services has increased competition for tower space. This has occurred concurrently with increased public opposition to new antenna facilities, either on aesthetic or environmental grounds. The net result is that carriers faced with the loss of a site will increasingly find themselves having to relocate existing facilities to locations more than 1.2 miles away from existing sites. The consequences of such a relocation would be directly contrary to the intent of the statute if the carrier is forced to reacquire, through an auction proceeding, a facility it has owned and operated for a considerable period of time. Or, if the operating rights for the facility are lost to a challenger, existing services to the public will be disrupted.

22. Joint Commenters believe that the strongest argument against the two kilometer rule is that it will not sustain judicial scrutiny. It has long been the rule in the Public Mobile Services that an application proposing an additional transmitter site on an existing frequency with a service area contour overlapping the existing facility by fifty percent or more is a modification application and not

a new station request.[26] The only apparent reason for the Commission abandoning this long-standing definition is to increase the number of circumstances in which mutually exclusive applications will be eligible for auction. The Budget Reconciliation Act of 1994, makes it clear, however, that raising money through auctions is not to be the primary determinant in selecting processing rules.[27]

23. On balance, AirTouch Paging and Arch agree with those who believe that the Commission must abandon the two kilometer rule in favor of the fifty percent overlap rule that has served the industry so well for such a long period of time.

VI. Other Proposed Changes Would Streamline Application Procedures

24. The Joint Commenters' review of the petitions for reconsideration uncovered other proposals which, if adopted by the Commission, would indeed improve Public Mobile Service licensing.

A. Pro Forma Applications

25. For example, AirTouch Communications[28] and BellSouth both urge the Commission to eliminate the

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[26] See old section 22.16(b)(2).

[27] See discussion in Petition of Mass-Conn at p.7.

[28] This is an affiliate of AirTouch Paging.

requirement that parties get prior Commission approval of pro forma ownership changes.[29] AirTouch Paging and Arch agree with this suggestion. Case law precedent serves to define quite well when ownership changes qualify as pro forma. And, pro forma ownership change applications generally are granted as a matter of course. No regulatory harm would appear to occur if the Commission were to allow such changes to be made by notification rather than by application.

B. Affiliate Lists

26. Several carriers correctly point out that the new rules require a list of the applicant's affiliates that is broader than was required under prior rules.[30] These parties properly point out that former Section 22.13(a) of the rules only required a listing of affiliates that were involved in Public Mobile Services. The new rule appears to require instead a listing of all affiliates.[31]

27. AirTouch Paging and Arch agree that the list of affiliates should be circumscribed as much as

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[29] See Petitions of AirTouch, Section 2(b); BellSouth, Section III.

[30] See, e.g., Petitions of GTE, Section II-E; BellSouth, Section IV; McCaw, Section II-A; Western Wireless, Section 1.

[31] See new Section 22.108.

possible.[32] Indeed, it may be that the requirement can be eliminated altogether. Particularly for large companies with numerous affiliated entities, the requirement of listing affiliates would appear to impose regulatory burdens that far exceed any regulatory benefits.[33]

C. Microfiche Exemption

28. PCIA requests that the Commission reconsider the requirement that applicants microfiche applications of less than five pages in length.[34] AirTouch Paging and Arch agree that narrowing the microfiching exception for filings of five pages or less will substantially increase the burden on licensees. And, the record does not appear to support the Commission's conclusion that microfiching of these filings is necessary to achieve the Commission's regulatory goals.

29. A large percentage of licensee notifications that would have been filed in the past will no longer be

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[32] AirTouch Paging and Arch, both of whom were involved in narrowband PCS licensing, note that the bulk of the filed FCC Forms 175 consisted of affiliate information that appeared to be of limited usefulness in the overall narrowband licensing scheme.

[33] In circumstances where the Commission wants to restrict the number of applications filed by affiliated companies within a common area, this would be better accomplished by requiring service-specific certifications that the applicant has no interest in any other pending applications in the area, rather than by a broad information collection requirement which requires the listing of all affiliates.

[34] See PCIA Petition, Section VI.

submitted to the Commission because of the elimination of the requirement of submitting applications pertaining to internal sites. Hence, the total volume of filings with the Commission will decrease dramatically. This being the case, it is difficult to understand why the Commission is unable to retain hard copies of filings of five pages or less. In the meantime, the burden on applicants from having to microfiche every filing is substantial. The Commission should return to the old rule which exempted all filings, including applications, of five pages or less.

D. Additional Channel Policies

30. PageNet and PCIA challenge the rule that permits a carrier to apply for an additional channel in an area only if any previously authorized channel is constructed and placed in operation.[35/] Airtouch Paging and Arch agree that an application for an additional channel should be able to be filed immediately following the grant of a prior application in the same area.

31. Several considerations support a return to the old rule which permitted a second application to be filed as soon as the first was granted. First, as is pointed out by PageNet, the paging industry is enjoying unprecedented growth.[36/] This justifies liberalizing

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35/ PageNet Petition, Section VII B; PCIA Petition, Section VII.

36/ PageNet Petition, p. 14.

additional channel policies rather than restricting them. Second, PCIA properly points out that considerable delays can still be experienced in processing requests for additional channels.[37] Requiring a carrier to wait until one facility is constructed before seeking an additional channel could result in needs for service going unmet. Third, AirTouch Paging and Arch note that many of the messaging services likely to proliferate over the next decade (e.g. digitized voice, e-mail, facsimile) will utilize more air time than the high-speed numeric paging that has been the staple of the industry recently. Consequently, the time it will take to load a channel will decrease. Again, this would suggest that additional channel policy should be relaxed not tightened. Finally, AirTouch Paging and Arch note that narrowband PCS providers, who will be competing for customers against those operating on traditional paging channels, were allowed to garner up to three channels at one time. This being the case, requiring paging companies to license and build one paging channel before being able to even apply for a second seems unfair.

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[37] PCIA Petition, p. 14.

E. Station ID Requirements[38]

32. In the course of reconsidering the Part 22 Rewrite Order, AirTouch Paging and Arch urge the Commission to revisit Section 22.313 of the rules governing station identification requirements. Different versions of this rule section were adopted nearly concurrently in this proceeding, and in the Third Report and Order in the Regulatory Treatment proceeding.[39] The latter version requires station identification to occur "each hour within five minutes of the hour."

33. AirTouch Paging and Arch are concerned that compliance with the "5 minutes" before or after the hour standard may prove difficult for some complex wide area systems. Some transmitters are individually programmed to ID; others are caused to ID by a system directive. Depending upon the age of the equipment, the configuration of the system and the frequency of inspection, fine tuning the network so that every station IDs during the same 10 minute interval will prove difficult.

34. AirTouch Paging and Arch urge a return to the old rule (requiring identification no less often than once

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[38] Though this issue has not been raised by any petitioner's here, the fact that this rule section is in play in both this proceeding and the Regulatory Treatment proceeding (GN Docket No. 93-252) merited this discussion.

[39] FCC 94-212 released September 23, 1994.

every 30 minutes) without specification of the precise timeframe. This will balance the desire to enable FCC monitors to secure a call sign in a reasonable time without overburdening carriers to reconfigure their systems.

VII. Certain Proposed Changes in the Cut-Off Rules Should Not Be Adopted

35. As is evident from the foregoing comments, Airtouch Paging and Arch generally support the requests for reconsideration that have been filed by other Public Mobile Service carriers. There are, however, a couple of requests for reconsideration that Joint Commenters do not support.

A. 30-Day Filing Window

36. For example, Ameritech and Mass-Conn ask the Commission to retain the 60-day filing window for mutually exclusive applications rather than shortening the competing application period to 30 days.[40] These carriers express concern that the 30-day period will not provide sufficient time for them to receive notice of, review, assess the impact of, and prepare and file a competing application to, a competitor's proposal.

37. AirTouch and Arch support the narrowing of the window to 30 days. The vast majority of applications are not subject to competing filings. Joint Commenters

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[40] See Petitions of Ameritech, Section IV; Mass-Conn, Section III.

believe that reducing the filing window will, in the long run, expedite application processing to the benefit of the entire industry.

38. The fact that it is not easy to file a competing application within 30 days serves to support and not undermine the Commission's approach. An applicant should file a competing applications only if it has a serious intention of providing public service to the area in contest. The fact that a carrier might have to make an extra effort to meet a 30-day filing deadline will serve to assure that mutually exclusive applications are only pursued by persons with a seriousness of intent.

39. AirTouch Paging and Arch also note that the preparation and filing of applications has been simplified by the streamlining of application requirements[41/] and the extent to which application engineering preparation has become automated. All of these changes support a shortening of the filing window for competing applications from 60 days to 30 days.

B. First-Come, First-Served

40. Ameritech and Mass-Conn also oppose the use of first-come first-served application procedures with respect to competing modification applications that are

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41/ Many application showings have been eliminated over time (e.g. traffic studies, financial showings, site letters). Application preparation also has been facilitated by rule changes which adopt specific formulas for contour calculations.